

**ENTERED**

May 16, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

RICARDO VILLALON,

Plaintiff,

VS.

CITY OF MCALLEN,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 7:20-CV-0264

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Before the Court is Plaintiff Ricardo Villalon's civil rights action pursuant to 42 U.S.C. § 1983, which had been referred to the Magistrate Court for a report and recommendation.<sup>1</sup> On April 7, 2022, the Magistrate Court issued the Report and Recommendation, recommending that Plaintiff's claims be **DISMISSED** pursuant to Federal Rule of Civil Procedure 41(b).<sup>2</sup> The time for filing objections has passed and no objections have been filed.<sup>3</sup>

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.<sup>4</sup> Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, Plaintiff's civil rights action is **DISMISSED** pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

DONE at McAllen, Texas, this 16th day of May 2022.



Micaela Alvarez

United States District Judge

<sup>1</sup> Dkt. No. 1.<sup>2</sup> Dkt. No. 36.<sup>3</sup> *Id.*

<sup>4</sup> As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Douglas v. United States Service Auto. Ass'n*, 79 F.3d 145, 1420 (5th Cir. 1996) (quoting Fed R. Civ. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in ACS Recovery Servs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at \*7 n. 5 (5th Cir. April 2, 2012).